

S.N. 09/050,946

501.36088X00



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: T. TAKAHASHI et al

Application No.: 09/050,946

Filed: March 31, 1998

Title: A DYNAMIC RAM

Art Unit: 2818 Exr.: H. HOANG CONF. No.: None

ATTN: OFFICE OF PETITIONS  
Sherry Brinkley

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**BY HAND CARRY**

**RENEWED REQUEST TO WITHDRAW ERRONEOUS HOLDING OF  
ABANDONMENT**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

September 9, 2011

Sir:

Further to the Request to Withdraw Erroneous Holding of Abandonment, filed November 23, 1999, a copy of which is attached as **Appendix A**, applicants again respectfully request removal of the abandonment indicated in the Notice of Abandonment mailed on November 3, 1999. Regarding this, a stamped return receipt postcard, dated November 23, 1999, indicating the receipt of a Request to Withdraw Erroneous Holding of Abandonment for this application, Serial No. 09/050,946, is attached herewith as **Appendix B**.

As can be seen in the Request to Withdraw Erroneous Holding of Abandonment, filed on November 23, 1999, it was pointed out that the reason for the abandonment was the alleged failure to pay the Issue Fee, when, in fact, the Issue Fee

was timely paid on the due date of June 1, 1999. A copy of the postcard receipt, stamped June 1, 1999, showing the payment of the Issue Fee was provided with the November 23, 1999 Request.

However, it is noted that, through an inadvertent error, both the return receipt postcard and the Issue Fee Transmittal itself had the wrong serial number. Specifically, rather than the correct serial number 09/050,946, the Issue Fee Transmittal and the return receipt postcard (of June 1, 1999) both incorrectly indicated serial number 08/050,946. Copies of the Issue Fee Transmittal and the return receipt postcard for it, date stamped June 1, 1999, are provided in **Appendix C**.

Notwithstanding the inadvertent error in identifying the series as "08" rather than "09", it is noted that the actual remaining portion of the serial number was correct, that is, "050,946." Also the filing date of March 31, 1998 was correctly indicated, thereby making it clear that the series was a "09" series rather than an "08" series. Further, the name of the first listed inventor was correct, that is, Takahashi et al. Still further, the attorney docket number was correctly indicated on both the Issue Fee Transmittal and the return receipt postcard, that is, 501.36088X00. Also, the correct title was provided on the Issue Fee Transmittal. Therefore, in accordance with the provisions of MPEP §724.06, which states:

"Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g., application number, filing date, title of invention and inventor(s) name (s)), the Office will transfer the papers to the correct application files for which they were intended without the need of a Petition. "

Therefore, it is respectfully submitted that since the correct filing date, inventor's name, attorney docket number, and title were provided on the Issue Fee Transmittal (and, except for the title on the return receipt postcard dated June 1, 1999), the USPTO

should have been able to transfer the papers to the correct application file at the time the Base Issue Fee was paid. Apparently this did not happen, resulting in the erroneous holding of abandonment.

In any event, even though the correct series for the serial number was not listed with the Base Issue Fee payment, it was correctly listed for the Request to Withdraw Erroneous Holding of Abandonment, both on the Request itself and on the postcard. Notwithstanding this, there is no indication either in applicant's records or in PAIR that any response was ever provided by the USPTO to this initial Request to Withdraw Erroneous Holding of Abandonment. Therefore, the Request is renewed by the present petition.

With regard to the period of delay between the initial Request, filed November 23, 1999, and the present Request, it is noted that, although the docketing system for Antonelli, Terry, Stout & Kraus, LLP includes a reminder notice six-months after a paper is filed, this reminder notice was apparently inadvertently overlooked, resulting in the lengthy delay before it was realized that no response had ever been received from the USPTO regarding the Request to Withdrawn Erroneous Holding of Abandonment. Concerning this, it is noted that, at that time, the docketing department for Antonelli, Terry, Stout & Kraus, LLP had several changes of personnel, and the undersigned attorney also had several changes of his Administrative Assistant. As such, through an inadvertent, unintentional error, the six-month call-up date for checking on this matter was apparently overlooked. It is noted that this error was completely unintentional. It is also noted that, in the present instance, the USPTO has apparently also had inadvertent errors in terms of not responding to either the payment of the Issue Fee on June 1, 1999 or the Request to Withdraw Erroneous Holding of Abandonment on


November 23, 1999. Accordingly, favorable action in this Petition is earnestly solicited.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Docket No. 501.36088X00), and please credit any excess fees to such Deposit Account.

Respectfully submitted,  
**ANTONELLI, TERRY, STOUT & KRAUS, LLP**

By

  
\_\_\_\_\_  
Gregory E. Montone  
Registration No. 28,141

GEM/dks  
1300 North Seventeenth Street, Suite 1800  
Arlington, Virginia 22209  
Telephone: (703) 312-6600  
Facsimile: (703) 312-6666

Attachments: Appendices A, B and C

## Appendix A



501.36088X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: T. TAKAHASHI et al.  
Serial No.: 09/050,946  
Filed: March 31, 1998  
For: A DYNAMIC RAM  
Group: 2818  
Examiner: H. Hoang  
Batch No.: P74 (issue fee paid 6/1/99)

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REQUEST TO WITHDRAW ERRONEOUS HOLDING OF ABANDONMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

November 23, 1999

Sir:

The Notice of Abandonment mailed November 3, 1999 in connection with the above-identified application, holding that the application is abandoned in view of the alleged failure to pay the Issue Fee is noted. However, it is respectfully submitted that the Issue Fee was, in fact, timely paid on the Issue Fee due date of June 1, 1999. As evidence of this, applicants respectfully enclose a copy of a postcard receipt stamped June 1, 1999 in the Mail Room of the U.S. Patent and Trademark Office, indicating receipt of an Issue Fee Transmittal and the \$1210.00 Issue Fee in the above-identified application on that date.

Also enclosed herewith is a signed copy of the Issue Fee Transmittal in the event the original Issue Fee Transmittal filed on June 1, 1999 cannot be located.

In view of the foregoing, it is respectfully submitted that applicants have clearly established that the Notice of Abandonment mailed November 3, 1999 was erroneous and that, in fact, applicants timely paid the Issue Fee in this matter. Accordingly, withdrawal of the holding of abandonment in connection with the above-identified application is respectfully requested.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS LLP

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Gregory E. Montone  
Registration No. 28,141

GEM/vlc  
(703) 312-6600

Attachments



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/050 946	09/31/99	TAKAHASHI	T 501.36088XU0

7542/1106  
ANTONELLI, TERRY, STOUT & KRAUS  
1300 NORTH SEVENTEENTH STREET  
ARLINGTON, VA 22209

EXAMINER

HOANG, H

ART UNIT PAPER NUMBER

2016. 08

DATE MAILED: 11/03/99  
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### NOTICE OF ABANDONMENT

SEP 14 2011

This application is abandoned in view of:

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- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on \_\_\_\_\_.
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).

- ☐ No response has been received.
- ☒ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

- ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- ☐ The submitted issue fee of \$ \_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_.
- ☒ The issue fee has not been received.

- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- ☐ No proposed new formal drawings have been received.

- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

Diane Terry  
Allowed Files Branch  
703-305-8203



## Appendix B



Patent ☒

Trademark ☐

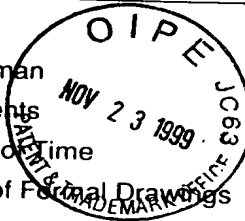
501.36088X0

Serial No. 09/050,946 Filed March 31, 1998

Applicant(s) TAKAHASHI et al.

Papers filed herewith on November 23, 1999

- |  |  |
|--|--|
| <input type="checkbox"/> Fees \$ _____   | <input type="checkbox"/> Assignment                      |
| <input type="checkbox"/> New Application   | <input type="checkbox"/> Letter to Draftsman             |
| <input type="checkbox"/> Amendment   | <input type="checkbox"/> Priority Documents              |
| <input type="checkbox"/> Notice of Appeal  | <input type="checkbox"/> Petition for Ext. of Time       |
| <input type="checkbox"/> Appeal Brief  | <input type="checkbox"/> _____ Sheets of Formal Drawings |
| <input checked="" type="checkbox"/> Other <u>Request to Withdraw Erroneous Holding</u> |  |
| <u>of Abandonment</u>  |  |



Receipt is hereby acknowledged of the papers filed as indicated in connection with above identified case.  
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## Appendix C



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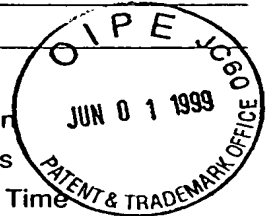
Patent ☒ Trademark ☐ 501.36088X00

Serial No. 08/050,946 Filed March 31, 1998

Applicant(s) TAKAHASHI et al

Papers filed herewith on June 1, 1999

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Fees \$ 1210.00 Base        | <input type="checkbox"/> Assignment                |
| <input type="checkbox"/> New Application                        | <input type="checkbox"/> Letter to Draftsman       |
| <input type="checkbox"/> Amendment                              | <input type="checkbox"/> Priority Documents        |
| <input type="checkbox"/> Notice of Appeal                       | <input type="checkbox"/> Petition for Ext. of Time |
| <input type="checkbox"/> Appeal Brief                           | <input type="checkbox"/> Sheets of Formal Drawings |
| <input checked="" type="checkbox"/> Other Issue fee transmittal |  |



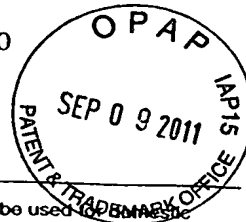
Receipt is hereby acknowledged of the papers filed as indicated in connection with above identified case.

COMMISSIONER OF PATENTS AND TRADEMARKS

54396

## PART B—ISSUE FEE TRANSMITTAL

501.36088X00



not and mail this form, together with applicable fees, to:

Box ISSUE FEE  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**ING INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee payment, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1; by (a) indicating a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for advance fee notifications.

INTERNET CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

MM21/0819  
ANTONELLI TERRY STOUT & KRAUS  
1300 NORTH 17TH STREET  
SUITE 1800  
ARLINGTON, VA 22209

Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

## Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
8/050,946	3/31/98			

Named Inventor: TAKAHASHI et al

INVENTION: A DYNAMIC RAM

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
01.36088X00			UTILITY			6/1/99

Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). PTO form(s) and Customer Number are recommended, but not required.

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" Indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. ANTONELLI, TERRY, STOUT & KRAUS, LLP

2. \_\_\_\_\_  
3. \_\_\_\_\_

**ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)**  
**NOTE:** Unless an assignee is identified below, no assignee data will appear on the patent. Indication of assignee data is only appropriate when an assignment has been previously submitted to PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for an assignment.

NAME OF ASSIGNEE  
1) Hitachi, Ltd. 2) Texas Instruments Inc.  
RESIDENCE (CITY & STATE OR COUNTRY)  
1) Tokyo, Japan 2) Dallas, Texas

Check the appropriate assignee category indicated below (will not be printed on the patent)

Individual ☒ corporation or other private group entity ☐ government

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):

☒ Issue Fee  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. The following fees or deficiency in these fees should be charged to:

DEPOSIT ACCOUNT NUMBER 01-2135  
(ENCLOSE AN EXTRA COPY OF THIS FORM)

☒ Issue Fee  
☐ Advance Order - # of Copies \_\_\_\_\_

COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

Authorized Signature) Reg. No: 28,565 (Date)  
William I. Solomon 6/1/99

The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

**Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS OFFICE. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

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TRANSMIT THIS FORM WITH FEE